

**STATE OF INDIANA – COUNTY OF PULASKI
IN THE PULASKI CIRCUIT AND SUPERIOR COURT**

**Notice of Proposed Amendment to Local Court Rule
May 23, 2011**

Notice is hereby given to the bar and the public that the Pulaski Circuit and Superior Courts are amending their local court rule at **LR66-TR79-01** on special judge assignments in civil cases. All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning special judge selection and may not take effect until approved by the Supreme Court.

A copy of the proposed amended rule may be viewed or obtained in the office of the Clerk of Pulaski County Circuit Court located at 112 East Main Street, Winamac, Indiana. A copy may also be viewed on the Indiana Judicial website at: <http://www.in.gov/judiciary/pulaski/>.

COMMENTS

Comments on the proposed new rules and amendments will be received until **June 24, 2011** and should be sent to Michael A. Shurn, Judge, Pulaski Circuit Court at 112 East Main Street, #310, Winamac, Indiana, 46996-1208, or by email at: pulaskicircuitcourtjudge@sugardog.com.

EFFECTIVE DATE

The amended rule will be effective on **July 1, 2011**, subject to approval by the Indiana Supreme Court.

_____/S/_____
MICHAEL A. SHURN
Judge, Pulaski Circuit Court

_____/S/_____
PATRICK B. BLANKENSHIP
Judge, Pulaski Superior Court

**LR66-TR79-01 ~~SELECTION~~ APPOINTMENT OF A SPECIAL JUDGE IN CIVIL
CASES PURSUANT TO TRIAL RULE 79(H)**

(a) Cases involving disqualification or recusal

In the event a judge disqualifies and recuses under Trial Rule 79(C), then the clerk of the court shall appoint as special judge the other Pulaski County Judge; and if that judge does not qualify as a special judge, and a special judge is not selected under Trial Rule 79 (D) or (E), the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers eligible under Trial Rule 79 (J):

Starke Circuit Court Judge
Starke Circuit Court Magistrate
Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

(b) Cases involving a change of judge

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case, then the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers eligible under Trial Rule 79 (J):

The other Pulaski Court Judge
Starke Circuit Court Judge
Starke Circuit Court Magistrate
Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

~~A) Cases involving a change of judge~~

~~— In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of the other Pulaski County judge and senior judges assigned to the court. If the other Pulaski County judge or a sufficient number of senior judges assigned to the court does not exist, then a panel shall be named including the available Pulaski County judge and senior judges assigned to the court, judges and magistrates from within the Administrative District, and judges and magistrates from outside the Administrative District, but from contiguous counties that have agreed to serve as a special judge.~~

~~— If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges and magistrates eligible under Trial Rule 79(J) from Starke and Newton County.~~

~~— In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.~~

~~B) Cases involving recusal or disqualification of a judge~~

~~— In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from Starke, Newton and Jasper County.~~

~~— In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.~~